

contain a specific approval of the prospective adoptive parent or parents, a discussion of the reasons for the approval, the number of children the applicant(s) may adopt, and any restrictions regarding characteristics of an adoptee that should apply. If the state of the prospective adopter's residence requires review of the home study by state officials, this state review must occur before the home study is submitted to the USCIS.¹⁷

In addition to satisfying the requirements of federal immigration regulations, the content of home studies must also satisfy the criteria established by the child's country of origin¹⁸ and the law of the state of the child's proposed residence, if the child is going to be adopted or readopted in a U.S. state court, as well as any professional or state standards for performing a home study to which the individual preparer is subject.

USCIS officers are responsible for making an independent determination regarding whether or not prospective adopters are capable of providing proper care and are not bound by a favorable recommendation in the home study, although they may consult with the preparer or agency for clarification of specific issues. 8 C.F.R. §204.3(h). Successful applicants for advanced processing for an orphan visa are sent a Form I-171H, Notice of Favorable Determination Concerning Advanced Processing of Orphan Petition or Form I-797, Notice of Action.¹⁹

Unsuccessful applicants are advised in writing of their right to file a motion to reconsider based on incorrect application of law or policy, a motion to reopen based on new facts, or an appeal.²⁰ This is obviously one point in the process in which unsuccessful prospective adopters

¹⁷ D. Marianne Blair, Merle H. Weiner, Barbara Stark, Solangel Maldonado, *Family Law in the World Community* 867-68 (Carolina Academic Press (2015))

¹⁸ Country-specific information may be obtained on the website of the U.S. Department of State, <https://travel.state.gov/content/travel/en/Intercountry-Adoption/Intercountry-Adoption-Country-Information.html>. Chairman Smith, in opening remarks at a House oversight hearing in 2006, reinforced the importance of this compliance in speaking about all intercountry adoptions by suggesting: "I want to be assured by State, DHS and the Accrediting Entities that, as the United States moves toward ratification [of the Hague Convention], aggressive actions will be taken to let sending countries know that the United States will prepare and approve its home studies to satisfy the guidelines that sending countries require." *House Subcommittee Holds Hearing Regarding Hague Convention on International Adoption*, 83 No 46 Interpreter Releases 14 (2006), on Westlaw at 83 No. 46 Interrel 14.

¹⁹ USCIS, *After Approval of Orphan and Hague Application*, at <https://www.uscis.gov/adoption/after-approval/after-approval-orphan-and-hague-application>.

²⁰ See USCIS, *Questions and Answers, Appeals and Motions*, at <https://www.uscis.gov/forms/questions-and-answers-appeals-and-motions>; and USCIS, *When to*